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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,474

05/15/2007

Matthias Schroeder

095309.57832US

4896

23911 7590 01/12/2009
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EXAMINER

JONES, DAVID B

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

01/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,474	SCHROEDER ET AL.	
	Examiner	Art Unit	
	David B. Jones	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/12/2006 and 5/15/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "one hydraulic cylinder" (claim 12) and "one electric motor" (claims 13 and 21) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3725

2. The disclosure is objected to because of the following informalities: The specification appears to be a literal translation into English from a foreign document and as such contains grammatical and idiomatic errors.

3. Claims 11-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Claim 11 only will be treated but all claims should be reviewed for like problems and amended into proper claim form. On line 5 of claim 11, "an impression of the forming tool" is vague and indefinite in nature and fails to clearly set forth the claimed invention. On the next line of claim 11 it is not clear what "having a section of an axial punch" means and what structure is being claimed. On line 6/7, the limitation "adapted to plunge into the hollow profile" is indefinite and unclear; it is not clear what makes for a plunge. On line 8, "outside" lacks clear antecedent basis. In line 13 of claim 11, "at least one V-ring is arranged on a side" fails to structurally locate the V-ring with the clamping jaw. With respect to claims 18, and 19, it is not clear what is meant by "foundation". In claim 20, "clamping jaws" lacks clear antecedent basis. Further "carried along axially" as found in claim 20. Further it is unclear to what it is carried along axially to.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3725

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morphy et al. '364 in view of Lanz '943. Morphy teaches the claimed invention (see Figs. 2-4) including forming tools 12/14, a sealing arrangement including an axial punch 18 and a clamping jaw 16 with its hydraulic actuator 52. Hence Morphy teaches the claimed invention excepting the use of a v-shaped gripping ring. The use of grips or beads on a clamping member is well known in the metal deforming art to prevent slippage of the workpiece. Lanz teaches in Fig. 11 at 182 the use of a V-shaped gripper member or bead on a clamping device to prevent slippage of the workpiece 60' relative to its deforming die 166. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the clamp surface 54 of clamp member 16 a V-shaped gripper ring or bead, as taught by Lanz, to prevent the workpiece from slipping when being deformed. Regarding claims 13 and 21, to have provided other actuator means (such as electric motor, etc.) to the jaw member 16 of Morphy et al. would have been an obvious choice of known drive means and would have rendered no new or unobvious result to the device. Regarding claims 16, 17, and 26-30, see Figs. 2 and 3.

5. Claims 11-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshitomi et al. '156 in view of Lanz '943 or Roper et al. Yoshitomi teaches the claimed invention (see Figs. 1 and 2) including forming tools 2/3a, a sealing arrangement including an axial punch 5a/b and a clamping jaws 4a/b with its hydraulic actuator 6. Hence Yoshitomi teaches the claimed invention excepting the use of a v-shaped

Art Unit: 3725

gripping ring on the clamping face. The use of grips or beads on a clamping member is well known in the metal deforming art to prevent slippage of the workpiece. Lanz teaches in Fig. 11 at 182 the use of a V-shaped gripper member or bead on a clamping device to prevent slippage of the workpiece 60' relative to its deforming die 166. Roper et al. teaches in Fig. 13 the use of gripper beads on a surface of a sealing arrangement to help hold a workpiece 101 relative to its deforming apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the clamp surfaces of clamp members 4a/b a V-shaped gripper ring or bead, as taught by Lanz or Roper, to prevent the workpiece of Yoshitomi from slipping when being deformed. Regarding claims 13 and 21, to have provided other actuator means (such as electric motor, etc.) to the jaw members 4a/b of Yoshitomi would have been an obvious choice of known drive means and would have rendered no new or unobvious result to the device. Regarding claims 16, 17, and 26-30, see Figs. 1 and 2.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Jones whose telephone number is 571 272 4518.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks Derris, can be reached at 571 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David B. Jones/
Primary Examiner
Art Unit 3725